



INTERIOR BOARD OF INDIAN APPEALS

Estate of Herbert Leo Burdeau, Sr.

20 IBIA 157 (08/01/1991)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF HERBERT LEO BURDEAU, SR. : Order Approving Settlement Agreement
: and Dismissing Appeal
:
: Docket No. IBIA 91-48
:
: August 1, 1991

This is an appeal by the Blackfeet Tribal Revolving Credit Program from a January 31, 1991, order denying rehearing entered in the Estate of Herbert Leo Burdeau, Sr., Blackfeet 201-U05591, by Administrative Law Judge Patricia McDonald. Appellant challenges the Judge's rejection of its claim against the estate.

On March 28, 1991, the Board received a telephone call from Lavina Burdeau, decedent's widow and devisee of a life estate under his will. Ms. Burdeau stated that she was willing for the claim to be paid from the estate. The Board stayed proceedings on March 29, 1991, so the parties could discuss settlement.

On July 22, 1991, the Board received a settlement agreement signed by Ms. Burdeau and by Marlene A. Sinclair, appellant's Credit Officer, on behalf of appellant. By this agreement, Ms. Burdeau agrees to the payment of \$3,167.36 to appellant, an amount representing the principal of four loans taken out by decedent, plus 12 percent interest from the dates funds were advanced to him until January 16, 1988, the date of his death. Appellant agrees to waive interest accruing since the date of death.

The Board has reviewed the probate record and finds that approval of the settlement agreement is appropriate.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the settlement agreement dated July 18, 1991, is approved, and this appeal is dismissed. The Bureau of Indian Affairs shall pay \$3,167.36 to appellant from funds in decedent's IIM account.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge